

Clarence Town Environmental Quality Review (TEQR)

Meeting Minutes

Monday, December 18, 2006

Matthew Balling, Chairman, called the meeting to order at 7:00 p.m. and led the pledge to the flag.

TEQR Members Present:

Matthew Balling
Richard McNamara
Paul Shear
Lisa Bertino-Beaser

Patrick Miner
John Moulin
Albert Schultz

Other Town Officials Present:

James Callahan, Director of Community Development
Scott Bylewski, Councilman
Jeffrey Grenzebach
Steve Bengart, Town Attorney

Other Interested Parties Present:

Russ Gullo
Leanne Voit
Laura Pfennig
Joyce Bakowski
Don Swanson
Jim Geiger
Horace Gioia
Jeff Palumbo

Paul Case
Bill Pfennig
Carol Minnick
Steve Bakowski
Danielle Shainbrown
Garret Meal
Pete Gorton
Jim Rumsey

Item 1-Approval of minutes from the previous meeting.

Motion by Paul Shear, seconded by John Moulin, to **table** the approval of the minutes for the meeting held on November 13, 2006, as they have not been finalized.

Matthew Balling
Richard McNamara
Paul Shear
Lisa Bertino-Beaser

Aye
Aye
Aye
Aye

Patrick Miner
John Moulin
Albert Schultz

Aye
Aye
Aye

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under Unfinished Business.

Item 3a-Stage and Schurr Subdivision.**DISCUSSION:**

Jim Callahan explains that this item has been tabled pending receipt of a Phase II Archeological report; to date the report has not been received. The item can remain tabled.

Item 3b-Utilization of Sewer Capacity outside of Erie County Sewer District #5 for areas not included in a sewer district and proposed Harris Hill Commons Open Space Design Subdivision.

DISCUSSION:

Jim Callahan explains that this item was tabled pending clearance from the NYS DEC on the Lead Agency Status. To date, no comments have been received.

Leanne Voit, of Greenman Pedersen, and Peter Sorgi, of Hopkins, Garas and Sorgi are present. Ms. Voit explains that the applicant is waiting for the DEC to provide a list of dates in order to set up a meeting with them; once the dates are received the applicant will contact representatives of the Town of Clarence, Erie County and the project sponsor to set up the meeting.

ACTION:

Motion by Matthew Balling, seconded by Patrick Miner, to **table** Harris Hill Commons and the utilization of sewer capacity outside of Erie County Sewer District #5.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3c-Kausner Open Development Area, 4180 Ransom Road.**DISCUSSION:**

Jim Callahan explains the item was tabled pending receipt of additional information related to storm water and drainage, as well as archeology. No information has been received, thus, the item can remain tabled.

Paul Case, of Metzger Civil Engineering, advises the Committee that he has received the comments and is working on addressing them. Mr. Case does not know anything about the underground gas tank. Mr. Balling asks Mr. Case to relay the concern regarding the underground gas tank to the representative who is handling this project, since he was unable to be at this meeting. The

TEQR Committee expects to see a diagram of the location of the gas tank, if there is no tank, justification to prove the absence of the tank is required.

Mr. Balling reminds Mr. Case that there was an archeological impact identified in the Phase I study, an archeological assessment should be on going.

Laura Pfennig, of 4170 Ransom Road, said she advised the gentlemen, who was in attendance at the last meeting, the location of the underground gas tank. She spoke with the previous owners of the property who told her the tank was never removed, the only parts removed were the pipes that came out of the ground. Ms. Pfennig said the tank is closest to the existing homestead, where the private road comes into the center of the property.

ACTION:

Motion by Matthew Balling, seconded by Richard McNamara, to **table** agenda item #3c until the three (3) items that were previously identified are addressed to the TEQR Committee's satisfaction.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3d-Dunkin' Donuts, 9430 Main Street.

DISCUSSION:

Jim Callahan explains that this item was tabled pending further information related to NYS DOT comments and traffic. A letter has been received from Watts Engineers related to traffic as related to the 9435 Main Street project.

James Geiger is representing the applicant. Horace Gioia is an attorney representing the applicant.

Mr. Balling refers to the NYS DOT comment regarding driveways on the site. He explains that the original site plan showed two (2) driveways; the NYS DOT advised that only one (1) is allowed at the site. The TEQR Committee finds it difficult to review the project if the revised site plan has not been submitted yet. The Committee asked that the applicant meet with or contact DOT and obtain justification as to why they were requesting only one (1) driveway. Over the past year the Committee has made a conscious effort to obtain a dedicated pedestrian path to the front door, with only one (1) driveway allowed, a circular drive through path around the entire building would be needed but is considered unfavorable. Mr. Balling was hoping a conversation with the DOT would produce a more favorable plan. The other alternative plan would be to have shared access with the property to the east.

Mr. Balling said another issue is the impact on the general traffic pattern within the corridor. The corridor consists of the Gunville Road interchange up to and including the Thompson Road intersection. Currently, these intersections are operating at a failing Level of Service (LOS); the Committee is awaiting the results of a traffic study. The TEQR Committee has the initial traffic study

for the Frizlen building (9435 Main St.). The results of the study will have an effect on the decision of allowing either one (1) or two (2) driveways.

A representative asks if the Frizlen project submits a traffic study, does that take care of this projects traffic study requirement since it is essentially the same traffic. Mr. Balling said another traffic study does not need to be done; the Frizlen traffic study should be all inclusive.

Paul Shear explains that if the DOT suggests one (1) driveway to the applicant, a revised site plan will need to be submitted.

Ramesh Patel explains that one entrance is shared with Wilson Farms; there is another driveway on the other side of the site. The DOT comment differs from this description.

ACTION:

Motion by Matthew Balling, seconded by Patrick Miner, to **table** agenda item #3d until there is enough information to review the traffic study and the confusing issue with DOT is resolved.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3e-9435 Main Street Office Park.

DISCUSSION:

Jim Callahan explains the project was tabled pending additional information on traffic and storm water. A letter from the NYS DEC has been received mainly related to the storm water issue.

Garret Meal, of Urban Engineers, is the project engineer working on the site. Mr. Meal explains that a traffic study was submitted to the Town in August 2006 related to this project. After the previous TEQR comments and concerns, Mr. Wolf, of Watts Engineers, re-visited the site and submitted a revised report. Mr. Meal advises they will be conforming to the DEC comments.

Mr. Balling said there have been no revisions received since the Committee received the traffic study in August 2006.

Mr. Schultz said the sensitive issues are the storm water run-off and the preservation of the indigenous wetlands. The TEQR Committee realizes that the applicant has to conform to the DEC requirements and obtain a DEC permit; however, the Committee would like to review how the applicant is going to manage storm water to protect the wetland, as part of the SEQRA process. Mr. Meal said the wetlands have been delineated and are shown on the site plan; there is a 100' buffer from the wetland. The applicant plans on using dry swales, the water quality component would be caught in a swale; there would be a drain underneath to filter down through it. Whatever is running off the site, into the wetland now, will not be exceeded. Mr. Schultz suggests the applicant document his plans, perhaps add some sketches of the plans, as well.

Mr. Balling explains that unless the TEQR Committee is able to see a more detailed study of how the storm water impacts are going to be addressed, they are inclined to recommend that storm water impacts be identified as a potentially large impact.

SEQRA determination needs to precede the Concept Plan Approval.

Mr. Meal explains the first building will be 21,000 square feet, he is aware of the parking requirements for this size building.

Mr. Meal is willing to submit a letter with the information the TEQR Committee is looking for.

Mr. Schultz explains that the DEC map indicates that the applicant is in an archeological sensitive zone. He refers to the letter from the DEC dated November 21, 2006, specifically item number four (4).

Mr. Meal refers to a letter from the NYS Office of Parks, Recreation and Historic Preservation dated December 14, 2005. Jim Callahan said the letter addresses the archeological issue, a copy is on file.

Don Wolf, of Watts Engineers, said he prepared the traffic study for Executive Cleaners/Coffee Shop, then was approached to prepare a traffic study for this office building, which he did incorporating the traffic from the Executive Cleaners/Coffee Shop site, but without knowledge of the Dunkin' Donuts. Mr. Wolf's impression was that the DOT did not want the center driveway. He does not think the traffic study from August 2006 will change concerning Goodrich Road and Main Street.

Mr. Balling explains that both the intersections at Main Street and Goodrich Road and Main Street and Gunville Road are currently operating at a less than acceptable level of service. He suggests Mr. Wolf study the two intersections and the highway segment in between them. The driveways also need to be looked at. Mr. Balling suggests the D-3 delay be factored in to the traffic study. The costs for the studies will be shared by the applicants. Mr. Wolf suggests the committee put together a scope of what they actually want to see in the report. Mr. Balling will work with Jim Callahan on the scope.

ACTION:

Motion by Matthew Balling, seconded by John Moulin, to **table** agenda item #3e pending the outcome of the traffic impact assessment and the reiteration of the storm water management that is going to take place at the property.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3f-Proposed Zoning Changes.**DISCUSSION:**

Mr. Balling said a coordinated review commenced on November 16, 2006. Jim Callahan explains the changes are mainly clarifications of the law, it does not change the overall intent.

ACTION:

Motion by Matthew Balling, seconded by Richard McNamara, to **recommend** a Negative Declaration be issued on agenda item #3f.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 4a-Bakowski Self-Storage, Lakeside Industrial Business Park.**DISCUSSION:**

Jim Callahan provides the history of the project. The property is located on the south side of County Road, west of Goodrich Road in the Lakeside Industrial Business Park. It consists of approximately seven (7) acres and is Zoned Industrial Business Park. The project was referred from the Planning Board on November 8, 2006.

Don Swanson, of APEX Consulting is representing the applicant. Mr. Swanson explains the project consists of approximately 77,000 square feet of storage space. It also includes a 1400 square foot office building, this would be the first building closest to the road. A full EAF was submitted in November 2006.

Mr. Swanson said the Bakowski's spoke with National Fuel, who owns the pipeline, and they were told they are allowed to put gate services or a road over the pipeline, however, no structures are allowed.

Jim Callahan said this project constitutes an unlisted action.

Mr. Balling said it would be in the Town's best interest to conduct a coordinated review.

Mr. Swanson was hoping that since the Industrial Park itself has already gone through coordinated review process, the TEQR Committee could make a decision under the condition that the committee is "copied" on everything that is submitted to DEC in regards to obtaining a SPDES permit. Mr. Balling will reserve judgement on this issue until a response from any involved agencies is received.

Mr. Schultz asks if an archeological review was done as part of the original SEQRA process. This information is not known. Mr. Swanson thinks that Mr. Schutt's office has gone through the

appropriate procedure and has the documentation from the approval of the Lakeside Industrial Business Park. Mr. Schultz suggests the applicant forward this information to the TEQR Committee for review.

ACTION:

Motion by Matthew Balling, seconded by Albert Schultz, to **recommend** the Town Board solicit Lead Agency Status and commence the 30 day comment period for all involved agencies for agenda item #4a.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 4b-Russell Gullo Retail Landscape Shop, 9800 Transit Road

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the east side of Transit Road, north of County Road in the Swormville Traditional Neighborhood District. It consists of approximately 3.3 acres. The project was referred from the Planning Board on November 8, 2006.

Paul Case, of Metzger Engineering, is representing the applicant. Russell Gullo, owner, is also present. Mr. Case explains there are three (3) existing parcels that will be combined into one (1) parcel. There will be approximately 3800 square feet of greenhouse space and 2800 square feet of retail space, with about 44 parking spaces.

Due to the proposed demolition of a structure over 50 years old at the site, this project would be considered a Type I Action. Councilman Bylewski suggests the TEQR Committee review the demolition and the proposed project at the same time.

Mr. Balling refers to the EAF and advises the applicant that under the “description of action” an additional sentence should be added to reflect that the action also involves the demolition of existing structures over 50 years old on two of the three parcels.

Mr. Schultz refers to page 8 of the EAF and said the DEC needs to be listed as a State agency for required approvals.

ACTION:

Motion by Paul Shear, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board seek Lead Agency Status and commence the 30 day comment period for all involved agencies for agenda item #4b.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Mr. Schultz asks the applicant if the neighbors on Stahley Road know about the proposed pole barn. Mr. Case said Father Yetter is aware of the proposal; he has had no negative feedback. Mr. Schultz suggests the applicant contact the neighbors specifically to advise them of the proposal.

Mr. Schultz points out that the plan shows proposed pole barn much closer to the property line than allowed.

The previous owner's tenants cut down the trees and used the trees for firewood.

Mr. Shultz makes the applicant aware of the requirement for a storm water management plan and the archeological sensitivity of the site.

Mr. Balling said there was a form of a Cultural Resources Inventory done in conjunction with the Historic Preservation; he wants to review the inventory. Mr. Balling can do so at anytime by visiting the Planning and Zoning Office where the report is kept.

Mr. Gullo explains that this proposal is an entirely different entity than his other business on Transit Road.

Item 4c-Walgreens, 9217 Main Street.

DISCUSSION:

Jim Callahan provides the history of the project. It is located on the south side of Main Street, at the Sheridan Drive, Thompson Road intersection and is zoned Commercial. It consists of approximately 13.3 acres. The project was referred from the Planning Board on November 23, 2006.

Jeff Palumbo, of Renaldo & Palumbo, is representing the applicant. Jim Rumsey, of Benderson Development, is present as well. Mr. Palumbo said there is currently a single family home on the site, the plan is to remove the home and replace it with a Walgreen's store approximately 14,600 square feet in size. There is also a proposed office building in the rear of the lot that measures 8,000 square feet. The applicant has received a variance from the Zoning Board of Appeals with regards to parking in the front of the building. The applicant has submitted a traffic study, a full EAF and an engineers report.

Paul Shear positively comments on the completeness of the submission.

Jim Callahan confirms this project would be an unlisted action.

Mr. Balling does not see any problems with the Part I. He thinks DOT is going to want to review the traffic study.

Jeff Palumbo has had preliminary talks with the DOT, they have seen the plan and conceptually agree with it.

Councilman Bylewski said it was discussed that perhaps the driveway to the west be a right-turn-in and right-turn-out only. Mr. Palumbo said that is what the current plan shows.

ACTION:

Motion by Matthew Balling, seconded by John Moulin, to **recommend** the Town Board solicit Lead Agency Status and commence a coordinated review for agenda item #4c.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Matthew Balling thanks the TEQR Committee members for all of their hard work this past year.

The next meeting date is January 22, 2007; the meeting schedule will be reviewed at this meeting.

Meeting adjourned at 8:34 p.m.

Matthew Balling, Chairman